

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID PONCE,

Plaintiff,

v.

FRESNO COUNTY SHERIFF'S  
DEPARTMENT,

Defendants.

Case No. 1:21 -cv-01046-ADA-HBK (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(ECF No. 9)

Plaintiff David Ponce ("Plaintiff") is a state prisoner proceeding *pro se* on his complaint filed under 42 U.S.C. § 1983. (ECF No. 1). The matter was referred to the assigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 1, 2023, the assigned Magistrate Judge issued a findings and recommendations, recommending the complaint be dismissed due to Plaintiff's failure to state a claim and failure to exhaust his administrative remedies before initiating the lawsuit. (ECF No. 9 at 5-9). The findings and recommendations, served on Plaintiff, contained notice that objections were to be filed within 14 days. (*Id.* at 1, 9). As of the date on this order, no objections have been filed, and the time to do so has expired.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly,

1. The Findings and Recommendation issued on March 1, 2023, (ECF No. 9), is ADOPTED in full; and
2. The Clerk of Court is directed to terminate any pending motions/deadlines, enter judgment accordingly; and close this case.

IT IS SO ORDERED.

Dated: June 1, 2023

  
UNITED STATES DISTRICT JUDGE